

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 13-MJ-449

DECRYPTION OF A SEIZED
DATA STORAGE SYSTEM,

Defendant.

MOTION TO STAY BRIEFING SCHEDULE

For the following reasons, the government asks this Court to stay for 90 days the briefing schedule established by this Court's order of June 4 (Doc. 9).

The Federal Bureau of Investigation's continuing efforts to decrypt Jeffrey Feldman's ("Feldman's") encrypted digital media have resulted in criminal charges against Feldman. On Monday, August 12, 2013, Feldman was charged by complaint with two counts of receiving child pornography, in violation of 18 U.S.C. § 2252A, and one counts of possession of child pornography, in violation of 18 U.S.C. § 2252A. Feldman faces a maximum sentence of twenty years and mandatory minimum sentence of five years for the receipt counts, and a maximum sentence of ten years for the possession count. The complaint alleges, inter alia, that two of Feldman's encrypted hard drives contained thousands of images of child pornography, including images depicting the sexual assault of prepubescent minors, minors in bondage, and bestiality involving minors.

The government remains unable to decrypt seven hard drives seized from Feldman in January 2013 by warrant. However, now that Feldman faces the above-listed charges, Feldman may conclude that it is in his interest to decrypt the seven still-encrypted drives, and the government proposes that the briefing schedule be stayed so that it can discuss voluntary decryption with Feldman. Staying the briefing schedule will also serve judicial economy by preventing the court from adjudicating a dispute that may soon be rendered moot.

For the foregoing reasons, the government asks the Court to stay the briefing schedule for 90 days.

Dated at Milwaukee, Wisconsin, this 14th day of August, 2013.

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